

Division 3. Air Resources Board

Chapter 1. Motor Vehicle Pollution Control Devices

Article 6. Emission Control System Warranty

§ 2035. Purpose, Applicability, and Definitions.

(a) Purpose.

The purpose of this article is to interpret and make specific the statutory emissions warranty set forth in Health and Safety Code sections 43205, and 43205.5 by clarifying the rights and responsibilities of individual motor vehicle and motor vehicle engine owners, motor vehicle and motor vehicle engine manufacturers, and the service industry.

(b) Applicability.

This article shall apply to:

- (a) California-certified 1979 and subsequent model motorcycles, passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles, registered in California, regardless of their original point of registration; and
- (2) California certified motor vehicle engines used in such vehicles.

(c) Definitions.

For the purposes of this article, the following definitions shall apply:

(1) "Warrantable condition" means any condition of a vehicle or engine which triggers the responsibility of the manufacturer to take corrective action pursuant to sections 2036, 2037, or 2038.

(2) "Warranted Part" means (a) in the case of

- 1. 1979 through 1989 model passenger cars, light-duty trucks, and medium-duty vehicles, and
- 2. 1979 and later model motorcycles and heavy-duty vehicles, and
- 3. 1990 and subsequent model passenger cars, light-duty trucks, and medium duty vehicles produced before January 24, 1991, any emissions-related part installed on a motor vehicle or motor vehicle engine by the vehicle or engine manufacturer, or installed in a warranty repair, which is included on the "Emissions Warranty Parts List" required by section 2036(f) and approved for the vehicle or engine by the executive officer; and

(b) in the case of 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles, other than those identified in subparagraph (a) of this definition, any part installed on a motor vehicle or motor vehicle engine by the vehicle or engine manufacturer, or installed in a warranty repair, which affects any regulated emission from a motor vehicle or engine which is subject to California emission standards.

(3) "Warranty period" means the period of time and mileage that the vehicle, engine, or part are covered by the warranty provisions.

(4) "Warranty station" means a service facility authorized by the vehicle or engine manufacturer to perform warranty repairs. This shall include all of the manufacturer's dealerships which are franchised to service the subject vehicles or engines.

(5) "Vehicle or engine manufacturer" means the manufacturer granted certification for a motor vehicle or motor vehicle engine. In the case of motor vehicles for which certification of the exhaust and evaporative emissions control systems is granted to different manufacturers, the warranty responsibility shall be assigned accordingly.

NOTE: Authority cited: Sections 39600 and 39601 and 39601, Health and Safety Code. Reference: Sections 43106, 43204, 43205, and 43205.5, Health and Safety Code.

REFERENCE